

REMARKS

By the amendments presented, Claim 34 has been canceled without prejudice, and the solvent limitations recited in canceled Claim 34 has been incorporated into Claim 21.

Attached hereto is a marked-up version of the changes made to the claims as a result of the current amendments. The attached page is captioned **"Version with Markings to Show Claim Changes Made"**.

Upon entry of the amendments presented, Claims 21-26, 28-33, and 35-36 remain in the present application. No additional claims fee is due.

Formal Matters**a) Allowable Subject Matter**

Claims 21-26, 28-33, and 35-36 have been rejected under 35 U.S.C. 102 as being anticipated by Lin et al. (U.S. Patent 3,996,355). The Examiner has indicated, however, that Claim 34 would be deemed allowable if rewritten in independent form to include the limitations of rejected base Claim 21 and any intervening claims.

Applicants submit that Claim 34 has been canceled without prejudice, and that independent Claim 21 has been amended to include the subject matter of canceled Claim 34. Accordingly, the amendment to Claim 21 places this claim in condition for allowance. Furthermore, Claims 22-26, 28-33, and 35-36, which depend from or refer to Claim 21 are also now in condition for allowance.

b) Declaration

The Declaration has been objected to under 37 CFR 1.33(a) for Applicants' alleged failure to provide a post office address for each Applicant and the signature of Applicant Richard Sutton. Applicants submit that a Supplemental Declaration, a copy of which is submitted herewith, was filed on March 13, 2000 with the signatures and post office address of Applicants. The submission of a copy of the March 13, 2000 Supplemental Declaration thus obviates the objection to the Declaration.

Conclusions

Applicants have made an earnest effort to place the application in proper form and to distinguish the claimed invention from the applied prior art. WHEREFORE, reconsideration of this application, withdrawal of the rejection under 35 U.S.C. 102, and allowance of Claims 21-26, 28-33, and 35-36 are respectfully requested.

Respectfully submitted,

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May 2, 2003
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Version with Markings to Show Claim Changes Made

Claim 34 has been canceled with out prejudice.

Claim 21 has been amended as follows:

Claim 21. (4th Amendment) An oral composition comprising:

- (a) a pharmaceutical active selected from the group consisting of antitussives, antihistamines, non-sedating antihistamines, decongestants, expectorants, analgesics, mucolytics, antipyretics, anti-inflammatory agents, local anesthetics, and mixtures thereof, wherein the pharmaceutical active has a molecular weight of less than 500 grams per mole;
- (b) a hydrophilic, water-miscible, anhydrous solvent selected from the group consisting of propylene glycol, ethanol, poly(ethylene glycol) or PEG, propylene carbonate, diethylene glycol monoethyl ether, poloxamer, glycofurol, glycerol, and mixtures thereof, wherein the pharmaceutical active in its un-ionized form has a percent solubility value in the solvent at ambient temperature that is equal to or greater than 0.075% and the pharmaceutical active is in its free, un-ionized form as a monomolecular dispersion in the solvent; and
- (c) a reducing agent wherein the reducing agent has an E^0 value equal to or greater than about -0.119V.